

REMARKS

Claims 39-55 are pending and stand finally rejected. Claims 39 and 53-55 have been amended herein to recite a 7:20 cis-acting ribozyme comprising the sequence of SEQ ID NO:53 from position 7 to position 91 and to recite a 18:7 cis-acting ribozyme comprising the sequence of SEQ ID NO:53 from position 110 to position 190. Applicants herewith request continued examination of the above-referenced application.

A substitute Sequence Listing was filed on June 4, 2009, in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequences mailed on the same day, June 4, 2009. The substitute Sequence Listing corrects multiple errors, thereby placing the Sequence Listing in conformance with the specification. In addition, the specification has been amended herein to insert sequence identifiers and to correct a typographical error at page 49, line 21. As can be seen from the other presented sequences on page 49, an "F" was mistakenly used in place of a "G." Applicants' note that SEQ ID NO:50 contains the sequence presented in Figure 3 having the "internal ribozyme insert," while SEQ ID NO:53 contains the sequence presented in Figure 3 having the "spacer."

Applicants' originally filed specification fully supports these amendments. For example, Figure 3 discloses two sequences: the sequence of SEQ ID NO:50, which contains the "internal ribozyme insert" sequence and the sequence of SEQ ID NO:53, which contains the "spacer" sequence. Figure 3 also discloses a 7:20 cis-acting ribozyme, which starts with the "U" at position 7 of SEQ ID NO:53 and extends to the "A" at position 91 of SEQ ID NO:53, and a 18:7 cis-acting ribozyme, which starts with the "C" at position 110 of SEQ ID NO:53 and extends to the "G" at position 190 of SEQ ID NO:53. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 39-55.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 39-55 as allegedly lacking support for SEQ ID NO:53 and 54.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 or SEQ ID NO:54. In

addition, the specification has been amended to replace the Sequence Listing currently of record with the Sequence Listing filed June 4, 2009. The substitute Sequence Listing does not contain the previously presented SEQ ID NOs:53 and 54. As noted above, the substitute Sequence Listing contains a correction to SEQ ID NO:50 and contains additional SEQ ID NO:53, which is the sequence presented in Figure 3 containing the “spacer” as opposed to the “internal ribozyme insert” sequence. Thus, the presently presented claims do not lack support.

For at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 39-55 under 35 U.S.C. § 112, first paragraph.

Objection under 35 U.S.C. § 132

The Examiner objected to the amendment to the specification filed October 16, 2008, as allegedly containing new matter.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 and SEQ ID NO:54. In addition, in response to the communication dated June 4, 2009, a substitute Sequence Listing in computer readable form as required by 37 C.F.R. § 1.824 was submitted that same day. The substitute Sequence Listing does not contain the previously presented SEQ ID NOs:53 and 54. As noted above, substitute Sequence Listing contains a correction to SEQ ID NO:50, and it contains SEQ ID NO:53, which is the sequence presented in Figure 3 containing the “spacer” as opposed to the “internal ribozyme insert” sequence. Thus, the specification does not contain new matter.

In light of the above, Applicants respectfully request withdrawal of the objection under 35 U.S.C. § 132(a).

CONCLUSION

Applicants assert that claims 39-55 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned attorney if such contact would expedite prosecution. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 5, 2009

/Lisbeth C. Robinson/
Lisbeth C. Robinson, Ph.D.
Reg. No. 59,704

Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945